

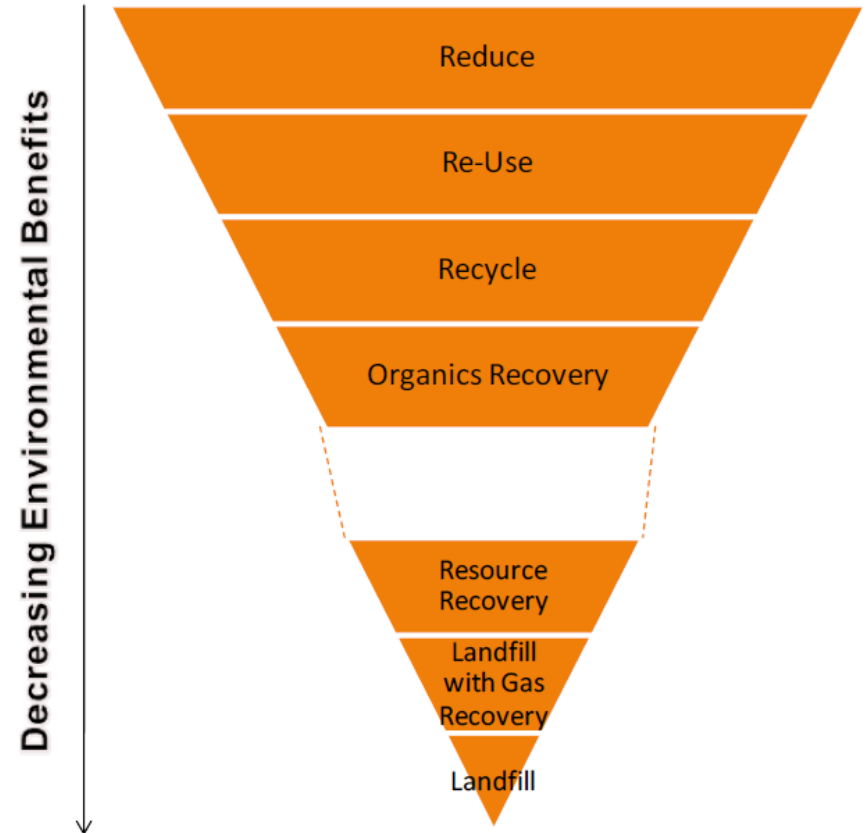


Compost Rule Comments

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Purpose of Rule Process

- Recognize state strategy of moving organic material management up the hierarchy
- Clarify requirements appropriate to SSOM composting facilities
- Provide regulatory relief without jeopardizing environmental protection



Process for Stakeholder Input

- July 2010 – MPCA published a Request for Comments regarding its plans to amend the rules governing Compost Facilities, Minnesota Rules, Chapter 7035.
- Three stakeholder meetings: November 2010, October 2011 and February 2012.
- Two informal comment periods: July 2010 and October 2011.
- January 6, 2013 – Dual notice of intent to adopt rules. Public comment period ends March 7th.

Current Compost Rule Structure

Backyard



Exempt

Yard Waste



Permit by Rule

MSW



Solid Waste Permit

Proposed Compost Rule Structure

Small
Compost Site



Yard
Waste



Source
Separated
Organics



MSW
Compost



- Backyard compost site definition removed and encompassed by small compost site
- SSO sites will also require a solid waste permit
- No changes to Yard Waste or MSW Compost

Backyard Compost Site Overview

- Definition was removed and these sites were encompassed by small compost site definition
- Will be regulated by Agency under proposed rule
- Recommendation:
 - Reinstate definition & list as exempt from Agency regulation
 - Allow local units of government to approve other acceptable items to be accepted (ex. Poultry litter generated on site)

Comment 1 - Backyard Compost Site - Definition



Backyard compost site means: a site used to compost food scraps, garden waste, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or single commercial office, a member of which is the owner, occupant, or lessee of the property. Additional materials may be deemed acceptable by the local unit of government by ordinance. These sites are exempt from Agency regulation.

Small Compost Site Overview

- Intended for ease of small site operations at colleges and community garden size sites
- Proposed rule lists fats, oils, grease, meat, dairy, and animal manure as not acceptable items
 - Incidental amounts of these will be on site if accepting food waste and yard waste
- Limits size to 80 cubic yards

Comment 2 - Small Compost Site - Definition

- *Subp. 99a. **Small compost site.** "Small compost site" means a site that:*
- *A. is used to compost:*
 - *(1) food scraps;*
 - *(2) yard waste;*
 - *(3) poultry litter generated on site only if the compost produced is used on site;*
 - *(4) nonrecyclable paper; or*
 - *(5) compostable materials meeting ASTM D6400 or ASTM D6868, incorporated by reference under part 7035.0605;*
 - *(6) incidental amounts of fats, oils, grease, meat, dairy, and animal manure*
 - *(7) other items as approved by a local unit of government by ordinance*
- *B. does not accept ~~fats, oils, grease, meat, dairy, animal manure~~, diapers, or sanitary products;*
- *C. does not exceed 80 cubic yards on site at any one time, not including collected raw materials ~~and compost being processed~~, but excluding or finished compost; and*
- *D. is where the materials under item A are managed to minimize odor and the creation of nuisances and public health risks.*

Comment 3 - Regulation of Backyard and Small Compost Sites

*Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not apply to the following solid waste management facilities or persons, except as indicated:*

A. ~~backyard compost sites~~ backyard compost sites

B. small compost sites must only comply with parts 7035.2535, subpart 1, items A to E, 7035.2555; and 7035.2565.

Operation Overview

- Proposed rule requires 12” of porous materials to be placed at the base of each composting windrow
 - Cost prohibitive for small and large sites
- Proposed rule requires turning of piles every three to five days during the Process to Further Reduce Pathogens (PFRP) process



Comment 4 – Operation Requirements

Subp. 11. Operation requirements for a source-separated organics material compost facility.

10. (a) The windrow method for reducing pathogens consists of an unconfined composting process involving periodic aeration and mixing. ~~Construction of each windrow must include a minimum of 12 inches of porous materials at the base of the windrow that promotes aerobic conditions within the windrow.~~ Blended source-separated organic materials may be placed ~~on top of the porous material~~ to a maximum height of 12 feet. Aerobic conditions must be maintained during the compost process. A temperature of 55 degrees Celsius must be maintained in the windrow for at least 15 days. The windrow must be turned at least five times within the fifteen (15) day PFRP period. ~~once every three to five days.~~

Contested Case Hearing

- Chapter 7035 was last updated almost 20 years ago
- Process has taken over three years to get to public notice
- Contested Case hearing extends enactment of Rule by a minimum of three months
 - Public Hearing scheduled for March 22, 2014
- Unlikely any major changes to rule will occur without contested case hearing

Questions?

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